

# The Arkansas Register



**Volume XXVIII, Number 12**

**June 2005**

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Secretary of State  
State Capitol, Room 026  
Little Rock, AR 72201-1094**

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**Published by ..... *Secretary of State  
Charlie Daniels***

The *Arkansas Register* is an official publication of the State of Arkansas. It contains administrative rules and regulations adopted by state agencies, boards and commissions pursuant to Act 434 of 1967, as amended. The *Arkansas Register* also includes Attorney General opinions, notice of legislative audit reports and insurance orders. The subscription rate is \$40 per year or \$3.50 a copy, distributed monthly, postpaid within the United States.

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# THE ARKANSAS REGISTER

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# ATTORNEY GENERAL OPINIONS

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## Opinion No.: 2005-052

Bradford, Jay  
*State Representative*

**RE:** Does a mayor of a city of the first class have the authority to settle a claim against the city without approval of the city council or any supporting documentation? Q2) If the outgoing mayor lacked authority to award a grant of vacation and sick leave pay to a retiring employee, does the new mayor have any obligation to honor the grant? **RESPONSE:** Q1) Given the general scope of this question, I am unable to give a specific answer other than to note that a mayor is statutorily authorized to settle only monetary claims against the city without council approval, and only then up to an amount authorized by the council. A.C.A. 14-58-305. It is unclear from the facts you have recited what basis exists for the outgoing clerk's claim of entitlement to vacation and sick leave accrued during her tenure as a secretary for the police department. Accordingly, I am unable to opine whether she was in fact entitled either to a payment redeeming this time, as she apparently requested, or to a grant of leave time in her new position with the street department, as the outgoing mayor apparently granted her. However, I do not believe that a mayor may settle a claim without council approval by granting additional sick leave or vacation time, which you report occurred in this case. A finder of fact would likely characterize such additional leave time as compensation that only the city council may award. See Ark. Const. amend. 56, Sec. 4; A.C.A. 14-43-409; and Ark. Op. Att'y Gen. No. 96-366 (addressing the award of leave time to city officers); see also A.C.A. 14-43-601 (including leave time of city employees among the "state affairs" that the city council, as opposed to the mayor, might regulate in accordance with state law). Q2) I believe the incoming mayor should review with the city attorney all of the circumstances attending the outgoing mayor's issuance of leave time and determine whether the award of additional leave time, if approved by the council, would be warranted. Among the pertinent inquiries will be whether the "settlement" letter constitutes a contract supported by adequate consideration. If the city attorney provisionally answers this question in the affirmative, he may recommend that the council

ratify the outgoing mayor's action. I do not believe it would be appropriate for the incoming mayor to honor the terms of the letter simply because the outgoing mayor wrote it.

## Opinion No.:2005-062

Bradford, Jay  
*State Representative*

**RE:** In light of the fact that the U.S. Supreme Court has ruled that a local government could be held liable under 42 U.S.C 1983 if an officer injures a person due to a deficiency in training, is the hiring of a training officer and specifically paying for him to obtain a master's degree an expense that a county government can legally fund? **RESPONSE:** I am unable to answer this question without knowing all of the attendant circumstances, including the special nature of the "assigned duties" you suggest that trainees would eventually perform. However, I will note that courts generally accord strong deference to a quorum court's determinations regarding what appropriations are necessary to fund county government operations, including law enforcement. In my opinion, a reviewing court would uphold the appropriation unless it determined that the quorum court acted arbitrarily, unreasonably or capriciously in pursuit of an end that did not primarily serve a public purpose. However, with respect to your suggestion that the purpose of hiring the training officer would be to avoid county liability under 42 U.S.C. Sec. 1983, I will further note that the standard for imposing liability on a county for inadequate training of police officers is daunting — a fact that I believe might factor into the determination of whether it is justified to expend public funds to provide a graduate education for a police training officer.

## Opinion No.:2005-065

Jackson, Phillip  
*State Representative*

**RE:** As written, the criteria used in ACA 26-75-701 et

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# ATTORNEY GENERAL OPINIONS

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seq. can only apply to one city in Arkansas, namely Eureka Springs. In your opinion, does that subchapter conflict with either Ark. Const. art. 5, sec. 25 or Amendment 14? **RESPONSE:** The statute, which authorizes cities of the first class having fewer than 5,000 inhabitants and containing an historic district including a property listed on the National Register of Historic Places to impose a tax on gift shops to be used for advertising and promotion, is not local or special legislation in violation of the Arkansas Constitution. The statute is not directed exclusively at Eureka Springs. At least seven Arkansas cities other than Eureka Springs could impose the tax merely by forming an historic district. The statute is reasonably calculated to promote tourism in smaller cities of the first class and is not constitutionally objectionable.

## **Opinion No.:2005-068**

Baker, Gilbert

*State Senator*

**RE:** Would a nonprofit Birthmother College Scholarship Program that provides college scholarships to Arkansas birthmothers who give their children up for adoption violate any state laws? **ANSWER:** This question cannot be satisfactorily answered without considering the particular facts surrounding the Program, its organization, and the funding source for the scholarships. If this involves a private nonprofit organization and privately funded scholarships, I have found no laws that would inhibit a program of this nature. If, however, public funding is involved, there may be any number of legal issues, the analysis of which would require specific information surrounding the actual program

## **Opinion No.:2005-072**

Jones, Terry D.

*Pros Attorney, 4th Judicial District*

**RE:** May a newspaper charge for other parts of the required publication in addition to the legal fee of one dollar and fifty cents (\$1.50) per tract per insertion?

**RESPONSE:** No. In my opinion, if you are referring to whether the newspaper may charge an additional fee to publish the list of delinquent real estate based on the language of the statute, the newspaper may only charge the statutorily authorized fee of one dollar and fifty cents per tract per insertion.

## **Opinion No.:2005-076**

Bradford, Jay

*State Representative*

**RE:** The City of Pine Bluff has a paid position of neighborhood watch coordinator. Would ACA 14-42-107(b)(1) allow this coordinator to run for and hold the office of alderman and retain her position as a paid coordinator if the city council voted to allow her to do so? **RESPONSE:** In my opinion, the coordinator about whom you have asked could run for the office of alderman; but the concurrent holding of both positions would run afoul of A.C.A. 14-42-107(b)(1) as interpreted in *Thompson v. Roberts*, 333 Ark. 544, 970 S.W.2d 239(1998). The city council might cure the violation of A.C.A. 14-42-107(b)(1), by passing an ordinance authorizing the dual service.

## **Opinion No.:2005-077**

Ragland, Roy

*State Representative*

**RE:** Does the attached local school district policy regarding contact with students by non-school personnel during school hours comply with law? **ANSWER:** The policy is contrary to state law in two respects. No court order is required prior to granting Department of Human Services (DHS) social workers/child abuse investigators access to students for questioning under authority of A.C.A. 12-12-510 (concerning the investigation of suspected child abuse and maltreatment). See Attorney General Ops. 91-417 and 92-350. Nor is a court order required prior to the release of students to such persons in accordance with A.C.A. 12-12-516, as amended (involving a so-called

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# ATTORNEY GENERAL OPINIONS

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“seventy-two hour hold.”) The district should, however, confer with its legal counsel in determining what policies to adopt.

## Opinion No.:2005-078

Pritchard, Bill  
*State Representative*

**RE:**Does the inclusion in the Arkansas Motor Vehicle and Traffic Laws of Title 14, subtitle 3, chapt. 54, establish the limits of the authority of municipal law enforcement within their municipalities? Q2) What law supersedes the Arkansas and U.S. Constitutions and allows police officers of municipalities to not take the constitutionally prescribed oath of office? Q3) What law supersedes Ark. Const. art. 5, sec. 19, which authorizes publication of public statute books intended for the education of the public regarding what laws they are bound to obey, to omit the “enactment clause” from the statutes? **RESPONSE:** Declined to answer due to pending litigation.

## Opinion No.:2005-079

Ragland, Roy  
*State Representative*

**RE:**What is the extent and scope of EO 05-04? **RESPONSE:** In my opinion, Executive Order 05-04 requires an agency, as defined by EO 05-04, to complete an analysis of the economic impact on small business and feasible alternatives prior to promulgating a rule or regulation in accordance with A.C.A. 25-15-204 (Supp. 2003).

## Opinion No.:2005-080

Berry, Stan  
*State Representative*

**RE:**Would Act 14-56-305 give a city council the au-

thority to create exceptions for business use that is not contained in the city’s zoning ordinance? **ANSWER:** Generally, yes, assuming that by “exceptions for business use” you mean special permission to construct or carry on a business that is not authorized to be conducted in a given zone. Indeed, this is precisely what the statute authorizes, as long as the exception is made “for good cause.”

## Opinion No.: 2005-081

Borhauer, Shirley  
*State Representative*

**RE:**Can the signatures on a petition for incorporation of a village, gathered in the last 18 months pursuant to ACA 14-38-101 and before passage of Act 1236 of 2005 (ACA 14-38-115), be used in a petition for an election on the question of incorporation of that village under the terms of Act 1236? **ANSWER:** No. The parties may either petition under the old law using the existing signatures, or they must gather new signatures if they wish to proceed under the new statute. This conclusion is compelled by the fact that those who signed the petition unquestionably did so in order to apply to the county court for incorporation of the described territory pursuant to A.C.A. 14-38-101. Additionally, Act 1236 cannot be applied retroactively in this manner.

## Opinion No.:2005-082

Higginbotham, Steve  
*State Senator*

**RE:**Does Acts 1983, No. 757, sec. 11, outline that a constable may appoint an auxiliary officer? Q2) What is the limit or number of auxiliary officers a township may have working under the direct supervision of a full time certified law enforcement officer? Q3) Would the reserve officers be able to work security on a countywide basis and serve process, pursuant to ACA 16-19-503, throughout the county at the direction of the chief constable? Q4) Would the auxiliary officers



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# ATTORNEY GENERAL OPINIONS

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only have full police powers in that township that appointed them? **RESPONSE:** With respect to your first question, it is my opinion that Act 757 of 1983, codified at A.C.A. 12-9-301 through -308, does not grant constables the authority to appoint auxiliary law enforcement officers. With respect to your remaining questions, as I noted above, a constable may not appoint auxiliary officers rendering these questions moot.

## Opinion No.:2005-084

Boyce, Henry  
*Pros Attorney, Third Judicial District*

**RE:**In pursuit of "prosecutorial purposes" as that term is used in A.C.A. 5-64-505(i)(2)(A), may a prosecutor donate revenues contained in a drug control fund to buy supplies for Court Appointed Advocates for Children? **RESPONSE:** No. The Arkansas Supreme Court has expressly held that the referenced "prosecutorial purposes" are limited to curbing drug trafficking, not to advocating for children in the courts.

## Opinion No.:2005-090

Laverty, Randy  
*State Senator*

**RE:**Does the administrative board of the Carroll County Library Department have the authority to use maintenance and operation funds derived from the library millage to buy, build, add onto, or remodel any of the Carroll County public libraries? **RESPONSE:** Although Ark. Const. amend. 38, as amended by Ark. Const. amend. 72, does authorize using a library millage for capital improvements and construction of the sort referenced in your question, it requires that the millage be expressly identified on the ballot as dedicated to that purpose. Amendment 38 contains a separate section authorizing the voters to approve a millage expressly identified on the ballot as dedicated to library maintenance and operation. I believe that the

proceeds of a millage approved for maintenance and operation of a county library may not be diverted to fund capital improvements or construction of the sort described in your question. See Ark. Const. art. 16, Sec. 11 (prohibiting the use of tax proceeds for any purpose other than that approved by the voters). However, if the voters approve, a millage dedicated to maintenance and operation might be recharacterized as dedicated to capital improvements and construction.

## Opinion No.:2005-091

Lamoureux, Michael  
*State Representative*

**RE:**Are constables entitled to access information from ACIC? Q2) If not, what legally prohibits them from obtaining that? **RESPONSE:** In my opinion, a constable, as an elected law enforcement officer, is not entitled to access to ACIC. A constable may, however, be granted access if he or she has successfully completed the required training program under A.C.A. 12-12-211(c) (Supp. 2003) and complies with the rules and regulations promulgated by the Supervisory Board of the Arkansas Crime Information Center under A.C.A. 12-12-203(a)(5) (Repl. 1999).

## Opinion No.:2005-092

Lamoureux, Michael  
*State Representative*

**RE:**Do sheriffs have the authority to delegate constables the ability to serve civil process papers? **RESPONSE:** No. In my opinion, there is no authority under the current law for a sheriff to delegate the service of civil process under the Arkansas Rules of Civil Procedure to anyone, including a constable. The only exception is that such process may be served on a sheriff's behalf by one of his deputies. I should note that a constable is independently authorized to serve civil process papers from a district court under Ark. Dist. Ct. R. 5(a) (2005).

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# ATTORNEY GENERAL OPINIONS

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## Opinion No.:2005-096

Blair, Buddy  
*State Representative*

**RE:**Can a city ordinance override a housing addition restrictive covenant? **RESPONSE:** I cannot answer this question in the abstract. In the appropriate exercise of its police powers, a city might in theory enact an ordinance that affects a restrictive covenant, which constitutes a contractual arrangement between or among private parties. However, without knowing the substance of both the ordinance and the restrictive covenant, I cannot even begin to assess whether the ordinance might constitute an impermissible impairment of contract or amount to an impermissible government taking.

## Opinion No.: 2005-097

Rainey, David  
*State Representative*

**RE:**Does Mayor Oldner's conviction and subsequent removal from office disqualify him from receiving the retirement benefits provided for under ACA 24-12-123? Q2) Does Mayor Oldner's conviction and removal from office preclude the city council from allowing Mayor Oldner to begin drawing at age fifty-five (55) under A.C.A. 24-12-123 and, if not, may Mayor Oldner vote to break a tie vote on the early retirement issue, if the vote occurs before the removal order is filed? Q3) If the current council voted to allow Mayor Oldner to begin drawing at age fifty-five (55), would that decision be irrevocable, or could a subsequent council rescind the ordinance prior to Mayor Oldner reaching age fifty-five (55)? More specifically, can the current council bind future councils on this issue since it is a discretionary obligation that would not be payable for a couple of years (Mayor Oldner is currently 53 years of age)? **RESPONSE:** 1) "No." 2) "No" and "No." 3) The council could rescind the ordinance "prior to Mayor Oldner reaching age fifty-five."

## Opinion No.:2005-098

McDaniel, Dustin  
*State Representative*

**RE:**Can local property taxes that were levied under either A.C.A. 24-11-404 or 24-11-812 to support a local police or fire pension and relief plan be used as revenues for all LOPFI matching contributions? **ANSWER:** The answer to your question as posed is "no," although there is authority under certain specific circumstances for using local pension fund revenues to make payment for coverage of employees under LOPFI (the Arkansas Local Police and Fire Retirement System). See A.C.A. 24-11-406 and 24-11-804 (inactive funds) and 24-10-302 (option for LOPFI coverage).

## Opinion No.:2005-101

Dickinson, Tommy  
*State Representative*

**RE:**Does previous legislation or Act 274 of 2005 require that the Jackson County School District, which has recently annexed the Swifton School District, reduced the School Board of Directors to seven members, and reorganized into single-member zones, hold an election in September 2005 for all seven school board positions? **RESPONSE:** In my opinion, the board was correct in creating staggered terms through the drawing of lots, only one or several of which will expire in September 2005. I do not believe an entirely new board should be elected in September 2005.

## Opinion No.: 2005-104

Felix, Holly

**RE:**Is the decision of the custodian of records to release information regarding Ms. Felix's former employment with the City of Little Rock consistent with provisions of the Freedom of Information Act (FOIA)



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# ATTORNEY GENERAL OPINIONS

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even though Ms. Felix states that she was not employed by the City during the time frame of requested records? ANSWER: The issue of whether the City keeps or maintains records that are responsive to this FOIA request as it pertains to you individually requires a factual determination within the purview of the records custodian. As regards the substantive FOIA request in this instance, i.e., the request for the fifty named individuals' employment-related information, please note that I recently addressed that matter in Attorney General Opinion No. 2005-100.

## Opinion No.:2005-110

Daniels, Charlie  
*Secretary of State*

**RE:**Since the 85th General Assembly adjourned sine die on May 13, 2005, what will be the effective date of legislation passed during the session that did not carry an emergency clause or specified effective date? **RESPONSE:** August 12, 2005.

## Opinion No.:2005-112

Grace, David  
*Attorney at Law, Hardin & Grace, P.A.*

**RE:**Is the decision of the custodian of records to withhold release of a letter written to Mr. Grace's client to notify her of the school board's reasons for holding a termination hearing consistent with provisions of the Freedom of Information Act (FOIA)? **RESPONSE:** Given that there has not yet been a termination of the employment, I believe the custodian is correct in withholding the letter.

## Opinion No.:2005-113

Gibson, Sam Ed  
*City Attorney*

**RE:**In light of the subject employee's objections, is the decision of the custodian of records to release a copy of the employee's personnel file (including some 195 pages of records), in response to a Freedom of Information Act request consistent with provisions of the FOIA? **RESPONSE:** The decision is not entirely consistent with the FOIA. In my opinion any employee evaluation or job performance records should not be released as there does not appear to be a compelling public interest in disclosure. In addition, there are a number of additional redactions that must be made before release, including medical records, education records and other items that are not subject to public inspection.

## Opinion No.:2005-114

Matthews, Massanelli  
*c/o Ferguson, Dept of Human*

**RE:**Request for review of custodian's decision regarding release of employee's name, home address, home phone number, work phone number, date of hire, pay rate, job classification, department, shift, and e-mail address response to a Freedom of Information Act (FOIA) request. **ANSWER:** The custodian's decision to release the name, rate of pay, department, date of hire and job classification is consistent with the FOIA. However, the work phone number and work e-mail address must also be released. The home address and personal e-mail are properly withheld. The disclosability of the home phone number will depend upon whether it is listed or unlisted and whether there is any attendant special (heightened) privacy interest. I am unable to make a determination regarding the "shift" information. The custodian must apply the personnel records test under the particular facts.

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# ADOPTED RULES AND REGULATIONS

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## BOARD OF DENTAL EXAMINERS

Docket No: 038.00.04-002F  
Effective Date: 05/29/2005  
Contact: Donna Cobb  
Telephone: 501-682-2085

### Article V - Involving Advertising; Article VI - Concerning Name of Practice

Docket No: 038.00.04-003F  
Effective Date: 05/29/2005  
Contact: Donna Cobb  
Telephone: 501-682-2085

### Article XV - Dealing with Infection Control

Docket No: 038.00.05-001F  
Effective Date: 05/31/2005  
Contact: Donna Cobb  
Telephone: 501-682-2085

### Article XIV — Infection Control as Mandatory Continuing Education

Docket No: 038.00.05-002F  
Effective Date: 05/31/2005  
Contact: Donna Cobb  
Telephone: 501-682-2085

### Article XVII — Infection Control as Mandatory Continuing Education

## BOARD OF EXAMINERS IN SPEECH PATHOLOGY AND AUDIOLOGY

Docket No: 117.00.05-001F  
Effective Date: 06/16/2005  
Contact: Betty Bass  
Telephone: 501-682-9180

### Rule Changes

## BOARD OF OPTOMETRY

Docket No: 069.00.04-002F  
Effective Date: 05/29/2005  
Contact: Howard Flippin  
Telephone: 501-268-4351

### Chapter 1, Article 12

## DEPARTMENT OF EDUCATION

### *School Improvement*

Docket No: 005.22.05-001F  
Effective Date: 06/16/2005  
Contact: Frank Servedio  
Telephone: 501-682-5535

### Highly Qualified Teachers

## FINANCE & ADMINISTRATION

### *Division of Revenues*

Docket No: 006.05.05-003E  
Effective Date: 06/08/2005  
Contact: John Theis  
Telephone: 501-682-7000

### Emergency Rule: Rule 2005-4 - Sales of Heavy Equipment - Decals

## GAME AND FISH COMMISSION

Docket No: 002.00.05-005E  
Effective Date: 06/06/2005  
Contact: James Goodhart  
Telephone: 501-223-6327

### Emergency Rule: M.O. 05-038 - Ivory-billed Woodpecker; M.O. 05-039 - Emergency Proclamation for Trout Fishery

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# ADOPTED RULES AND REGULATIONS

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Docket No: 002.00.05-006F  
Effective Date: 06/16/2005  
Contact: James Goodhart  
Telephone: 501-223-6337

## **Captive Wildlife Codes; Flood Prone Regions**

### **HUMAN SERVICES**

#### *Medical Services*

Docket No: 016.06.05-003F  
Effective Date: 05/27/2005  
Contact: Becky Murphy  
Telephone: 501-682-8096

## **Personal Care Provider Manual Update #58 - Level I ALFs and Level II ALFs may enroll in the Arkansas Medicaid Personal Care Program**

Docket No: 016.06.05-010F  
Effective Date: 07/01/2005  
Contact: Renita Honorable  
Telephone: 501-682-8577

## **Private Duty Nursing Update Transmittal #56**

Docket No: 016.06.05-011F  
Effective Date: 07/01/2005  
Contact: Betty Reed  
Telephone: 501-682-8363

## **Development Disabilities Day Treatment Clinic Services Provider Manual Update #60**

Docket No: 016.06.05-012F  
Effective Date: 07/01/2005  
Contact: Renita Honorable  
Telephone: 501-682-8577

## **Transportation Provider Manual Update Transmittal #6**

Docket No: 016.06.05-013F  
Effective Date: 07/01/2005  
Contact: Nikki Wade  
Telephone: 501-682-8292

## **Division of Youth Services (DYS) and Division of Children and Family Services (DCFS) Targeted Case Management Update #4**

Docket No: 016.06.05-014F  
Effective Date: 07/01/2005  
Contact: Nikki Wade  
Telephone: 501-682-8292

## **Children's Services Targeted Case Management Update #12**

Docket No: 016.06.05-015F  
Effective Date: 07/01/2005  
Contact: Nikki Wade  
Telephone: 501-682-8292

## **Ventilator Update #50**

Docket No: 016.06.05-016F  
Effective Date: 07/01/2005  
Contact: Renita Honorable  
Telephone: 501-682-8577

## **Visual Care Update Transmittal #62**

Docket No: 016.06.05-017F  
Effective Date: 07/01/2005  
Contact: Nikki Wade  
Telephone: 501-682-8292

## **Child Health Services/Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Update #63**

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Docket No: 016.06.05-018F  
Effective Date: 07/01/2005  
Contact: Betty Reed  
Telephone: 501-682-8363

## **Nurse Practitioner Update Transmittal #52**

Docket No: 016.06.05-019F  
Effective Date: 07/01/2005  
Contact: Will Taylor  
Telephone: 501-682-8362

## **Rehabilitative Hospital Provider Manual Update Transmittal #53**

Docket No: 016.06.05-020F  
Effective Date: 07/01/2005  
Contact: Will Taylor  
Telephone: 501-682-8362

## **Hospital/Critical Access Hospital (CAH)/End-Stage Renal Disease (ESRD) Update Transmittal #76**

Docket No: 016.06.05-021F  
Effective Date: 07/01/2005  
Contact: Carolyn Patrick  
Telephone: 501-682-8359

## **ARKids First-B Update Transmittal #23**

Docket No: 016.06.05-022F  
Effective Date: 07/01/2005  
Contact: Dorothy Vance  
Telephone: 501-683-2916

## **ElderChoices Update Transmittal #50**

Docket No: 016.06.05-023F  
Effective Date: 07/01/2005  
Contact: Nikki Wade  
Telephone: 501-682-8292

## **DDS Alternative Community Services (ACS) Update #51**

Docket No: 016.06.05-024F  
Effective Date: 07/01/2005  
Contact: Carolyn Patrick  
Telephone: 501-682-8359

## **Rehabilitative Services for Youth and Children (RSYC) Update Transmittal #14**

Docket No: 016.06.05-025F  
Effective Date: 07/01/2005  
Contact: Carolyn Patrick  
Telephone: 501-682-8359

## **Licensed Mental Health Practitioners (LMHP) Update Transmittal #44**

Docket No: 016.06.05-026F  
Effective Date: 07/01/2005  
Contact: Betty Reed  
Telephone: 501-682-8363

## **Physician/Independent Lab/CRNA/Radiation Therapy Center Provider Manual Update #94**

Docket No: 016.06.05-027F  
Effective Date: 07/01/2005  
Contact: Nikki Wade  
Telephone: 501-682-8292

## **DMS-2005-W-1: 2004 HCPCS Final Procedure Code Conversion**

Docket No: 016.06.05-028F  
Effective Date: 07/01/2005  
Contact: Will Taylor  
Telephone: 501-682-8362

## **Section I of All Arkansas Medicaid Provider Manuals**

Docket No: 016.06.05-029F  
Effective Date: 07/01/2005  
Contact: Will Taylor  
Telephone: 501-682-8362

# **ADOPTED RULES AND REGULATIONS**

## **Home Health Update Transmittal #69**

Docket No: 016.06.05-046F  
Effective Date: 07/01/2005  
Contact: Dorothy Vance  
Telephone: 501-683-2916

## **Section II: Occupational, Physical, Speech Therapy Services - Provider Manual Update Transmittal No. 41**

Docket No: 016.06.05-047F  
Effective Date: 07/01/2005  
Contact: Betty Reed  
Telephone: 501-682-8363

## **Certified Nurse-Midwife Update Transmittal #59**

### **LIVESTOCK & POULTRY COMMISSION**

Docket No: 125.00.05-001F  
Effective Date: 06/01/2005  
Contact: Karen Gray  
Telephone: 501-907-2411

## **Laboratory / Regulatory Fee Schedule**

Docket No: 125.00.05-002F  
Effective Date: 06/01/2005  
Contact: Karen Gray  
Telephone: 501-907-2411

## **Arkansas Swine Regulations**

### **OFFICE OF INFORMATION TECHNOLOGY**

Docket No: 200.00.05-001F  
Effective Date: 06/06/2005  
Contact: Kym Patterson  
Telephone: 501-682-4300

## **Machine Readable Privacy Policy**

Docket No: 200.00.05-002F  
Effective Date: 06/06/2005  
Contact: Kym Patterson  
Telephone: 501-682-4300

## **Administration of Subdomains of the arkansas.gov and ar.gov Domains**

Docket No: 200.00.05-003F  
Effective Date: 06/06/2005  
Contact: Kym Patterson  
Telephone: 501-682-4300

## **Data and System Security Classification Standard**

### **STATE BANK DEPARTMENT**

Docket No: 003.02.04-001F  
Effective Date: 05/28/2005  
Contact: Candace Franks  
Telephone: 501-324-9019

## **Increase fee for an application to Reorganize and Relocate Bank Charter**

### **WORKFORCE EDUCATION**

Docket No: 172.00.05-001F  
Effective Date: 06/17/2005  
Contact: Peggy Wakefield  
Telephone: 501-682-1500

## **Secondary Area Technical Centers**

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# INSURANCE DEPARTMENT

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**\*\*\* No Insurance Orders were filed with the *Arkansas Register* during the past filing period for publication in this edition.**



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# ORDERS AND NOTICES

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## LEGISLATIVE AUDIT

May 31, 2005

Agency	Period Covered
Department of Workforce Education-Arkansas Rehabilitation Services	6/30/04
Department of Arkansas State Police	6/30/04
State Forestry Commission	6/30/04 & 2003
Secretary of State	6/30/04 & 2003
Auditor of State	6/30/04
Auditor of State - Disbursing Officer	6/30/04
Department of Higher Education	6/30/04
Department of Finance and Administration Revenue Division - Office of Field Audit - Collection Section	6/30/04
Department of Finance and Administration Racing Division	6/30/04
Department of Finance and Administration -Revenue Division - Motor Fuel Tax Section	6/30/04
Arkansas National Guard Morale, Welfare and Recreation Fund, Inc. (Private)	12/31/04
Northwest Arkansas Economic Development District, Inc. (Private)	12/31/04
Community Counseling Services, Inc. (Private)	6/30/04
Arkansas Livestock and Poultry Commission	6/30/04

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## ORDERS AND NOTICES

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State Plant Board	6/30/04
Arkansas Department of Workforce Education	6/30/04
East Arkansas Community College	6/30/04
National Park Community College	6/30/04
Southern Arkansas University - Tech	6/30/04
Crowley's Ridge Technical Institute	6/30/04



Secretary of State  
Charlie Daniels  
*Arkansas Register Division*  
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